

**EXHIBIT 9**

**FILED UNDER SEAL**

HENRY MIROLYUZ - 01/11/2019

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MINNESOTA

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6 FAIR ISAAC CORPORATION, a X  
Deleware corporation

7 Plaintiff(s)

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-vs- X CASE NO. 16-cv-1054  
(WMW/DTS)

10 FEDERAL INSURANCE COMPANY, an  
Indiana corporation, and ACE  
11 AMERICAN INSURANCE COMPANY, a  
Pennsylvania corporation

12 Defendant(s) X

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DEPOSITION OF HENRY MIROLYUZ

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DATE: JANUARY 11, 2019

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HELD AT:

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HUSEBY - CONNECTICUT  
249 Pearl Street  
21 Hartford, Connecticut

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Dawn C. Mahoney, LSR #142

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<p style="text-align: right;">Page 18</p> <p>1 does that mean?</p> <p>2 A Can you repeat the question, please?</p> <p>3 Q Mr. Thompson says, "I assume you're running</p> <p>4 on our infrastructure over here." My question is:</p> <p>5 What does that mean?</p> <p>6 A His assumption is that the Blaze is being</p> <p>7 run on the infrastructure in the United States.</p> <p>8 That's my understanding of the statement.</p> <p>9 Q Thank you. And of course, whether that's</p> <p>10 right or wrong is not something you know. But again,</p> <p>11 it would be technically possible to do that?</p> <p>12 A Correct.</p> <p>13 Q Okay. This is Exhibit 154 from an earlier</p> <p>14 deposition. I just have some questions to you about</p> <p>15 it. I understand this date is after -- I understand</p> <p>16 the date, 2018. But you're familiar with reports that</p> <p>17 are called ChEAR reports or CHUBB Enterprise</p> <p>18 Application Registry?</p> <p>19 A Correct, I am.</p> <p>20 Q Could you explain what they are for me,</p> <p>21 please?</p> <p>22 A This is the repository or registry of all</p> <p>23 the application -- production application at CHUBB.</p> <p>24 Q Okay. As a repository of the production</p> <p>25 applications at CHUBB, is it a report that reports on</p>	<p style="text-align: right;">Page 20</p> <p>1 let's try -- I was working off of something else.</p> <p>2 Sorry.</p> <p>3 Q (By Mr. Hinderaker) Go to the fifth page</p> <p>4 in. Now it's on the bottom third -- Asia Pacific,</p> <p>5 Evolution Asia Pacific, Blaze Advisor, and then Blaze</p> <p>6 Advisor 7.1. Do you see that line?</p> <p>7 A Correct.</p> <p>8 Q Okay. This is telling us that Blaze Advisor</p> <p>9 7.1 is being used for Evolution in the Asia Pacific</p> <p>10 zone?</p> <p>11 A What it tells me is that the Evolution</p> <p>12 application was used by Asia Pacific.</p> <p>13 Q Yes. And is it saying that that application</p> <p>14 is running on Blaze 7.1?</p> <p>15 A It's using Blaze 7.1. Correct.</p> <p>16 Q Okay, thank you.</p> <p>17 MR. HINDERAKER: Whatever the next one</p> <p>18 is.</p> <p>19 (Plaintiff's Exhibit 184 marked for</p> <p>20 identification.)</p> <p>21 Q So I've given you Exhibit 184, which is, by</p> <p>22 it's heading -- well, it's dated April 9, 2008 and, by</p> <p>23 it's heading, it's another ChEAR monthly</p> <p>24 maintenance -- another ChEAR report. Do you agree?</p> <p>25 A Agree.</p>
<p style="text-align: right;">Page 19</p> <p>1 the status of things as of the date of the report?</p> <p>2 A Correct. As they're entered into the</p> <p>3 repository.</p> <p>4 Q The status of those things as information is</p> <p>5 entered into the repository?</p> <p>6 A Correct.</p> <p>7 Q Thank you. So if I was to -- let's look at</p> <p>8 the last page of this exhibit, 154, sort of up in the</p> <p>9 top third: Asia Pacific, Evolution, Evolution Asia</p> <p>10 Pacific, Technology, and then under Technology</p> <p>11 Version, Technology Blaze Advisor and then under</p> <p>12 Technology Version, Blaze Advisor 7.1. Do you see</p> <p>13 that line?</p> <p>14 MR. FLEMING: On what page?</p> <p>15 MR. HINDERAKER: The last page.</p> <p>16 MR. FLEMING: No Bates stamp on it,</p> <p>17 right?</p> <p>18 MR. HINDERAKER: That's correct.</p> <p>19 THE WITNESS: Evolution. My apologies.</p> <p>20 It's not what -- I think my last page is</p> <p>21 different from your last page.</p> <p>22 MR. HINDERAKER: Well, that's trouble.</p> <p>23 MR. FLEMING: Yeah, my last page is</p> <p>24 different also.</p> <p>25 MR. HINDERAKER: Here we go again. So</p>	<p style="text-align: right;">Page 21</p> <p>1 Q Would you go to what's marked as page 8 of</p> <p>2 26 in the document?</p> <p>3 A Yeah.</p> <p>4 Q If we go --</p> <p>5 MR. FLEMING: Wait a minute. So this</p> <p>6 goes from -- how many pages in are you talking</p> <p>7 about?</p> <p>8 MR. HINDERAKER: The page is numbered</p> <p>9 at the bottom, 8 of 26.</p> <p>10 MR. FLEMING: Okay. Because it's</p> <p>11 numbered at the beginning pages. Okay. 8 of 26.</p> <p>12 Q (By Mr. Hinderaker) So on page 8 of 26, if</p> <p>13 we go down, what, five and six lines, it's telling us</p> <p>14 that Blaze Advisor 6.1 and 6.5X are being used. Can</p> <p>15 you tell from this exhibit where that use is?</p> <p>16 A No. And actually, it doesn't tell that it's</p> <p>17 being used. It's says it's being available as a</p> <p>18 technology.</p> <p>19 Q Oh, okay. Thank you. So that it's meaning?</p> <p>20 A Correct.</p> <p>21 Q It's available as an technology. Whether</p> <p>22 it's used or not, we don't know from this exhibit?</p> <p>23 A Correct.</p> <p>24 Q If it is used, where it's used, we don't</p> <p>25 know from this exhibit?</p>



<p style="text-align: right;">Page 22</p> <p>1 A We don't know.</p> <p>2 Q This is an exhibit from your earlier</p> <p>3 deposition when we talked about installations in the</p> <p>4 UK. As you see, the document comes -- it's from</p> <p>5 yourself to Richard Johnson and others.</p> <p>6 Can you confirm for me that as of this date</p> <p>7 this document reports that Blaze Advisor 6.7 is being</p> <p>8 used in Europe?</p> <p>9 A It does not confirm that it was used. All</p> <p>10 it confirm is that I provide the information where</p> <p>11 they can -- if they choose so to download the</p> <p>12 software. But it does not confirm that it was used.</p> <p>13 Q All right. SO if at this time they were to</p> <p>14 download Blaze Advisor from that internal site of</p> <p>15 CHUBB, it would be version 6.7 that would be</p> <p>16 downloaded?</p> <p>17 A Correct.</p> <p>18 (Plaintiff's Exhibit 185 marked for</p> <p>19 identification.)</p> <p>20 Q I'm showing you -- you have Exhibit 185, an</p> <p>21 e-mail dated May 25, 2010. Dean Lawton, is he from</p> <p>22 Europe?</p> <p>23 A According to the e-mail heading, yes, he is.</p> <p>24 Q Okay. And are all of the recipients from</p> <p>25 Europe, according to the header?</p>	<p style="text-align: right;">Page 24</p> <p>1 insurance to their customers?</p> <p>2 A It's primarily -- to my knowledge, it's</p> <p>3 primarily used by the internal staff, basic</p> <p>4 information provided by brokers and agents. Of</p> <p>5 course, there could be exception to that rule. But as</p> <p>6 a general rule, it's for the internal staff.</p> <p>7 Q All right. So then based upon information</p> <p>8 provided by the brokers and agents, the policy</p> <p>9 administration system then responds to the broker and</p> <p>10 agent with the proposed solution or the proposed</p> <p>11 policy and a quote for that policy?</p> <p>12 A Correct. And if they accept it, they book,</p> <p>13 bind and issue the policy.</p> <p>14 Q And then if the agent accepts the -- or the</p> <p>15 customer accepts the policy, the agent then does</p> <p>16 something -- provides information, and as a</p> <p>17 consequence, the policy administration system presents</p> <p>18 to the agent the information that binds -- the</p> <p>19 customer has a binding insurance policy and it's</p> <p>20 booked and the deal is done, correct?</p> <p>21 (Plaintiff's Exhibit 186 marked for</p> <p>22 identification.)</p> <p>23 Q Now you have Exhibit 186. This is an</p> <p>24 e-mail. I acknowledge that you are not showing on the</p> <p>25 chain. Could you identify John Sarnese, please?</p>
<p style="text-align: right;">Page 23</p> <p>1 A That is correct.</p> <p>2 Q And then the carbon copy is Ewen Setti.</p> <p>3 He's European, he's from London as well?</p> <p>4 A Yes. Yes, he is.</p> <p>5 Q Okay. Do you know what the application</p> <p>6 Adapt/Adapt BE is?</p> <p>7 A To my knowledge, it's a policy</p> <p>8 administration system for the, I believe, ABL line of</p> <p>9 business.</p> <p>10 Q What is the ABL line of business?</p> <p>11 A I do not -- I do not recall. It's accident</p> <p>12 and death, I believe, benefits. But that's my</p> <p>13 assumption.</p> <p>14 Q And would you give us the meaning of a</p> <p>15 policy administration system?</p> <p>16 A It's an application which allows to book,</p> <p>17 bind and issue policies -- insurance policies for the</p> <p>18 specific line of business.</p> <p>19 Q Do brokers and agents use it?</p> <p>20 A Sometimes. I'm not sure about this</p> <p>21 particular case.</p> <p>22 Q Okay. I guess let's just talk about policy</p> <p>23 administration systems in general and your knowledge</p> <p>24 about that. As a general statement, brokers and</p> <p>25 agents use policy administration systems to sell</p>	<p style="text-align: right;">Page 25</p> <p>1 A He is the architect at CHUBB IT. He was at</p> <p>2 that time. He was an architect at CHUBB IT.</p> <p>3 Q CHUBB where?</p> <p>4 A CHUBB IT.</p> <p>5 Q CHUBB IT. In the U.S.?</p> <p>6 A In the U.S.</p> <p>7 Q And Patrick Sullivan, as you said, was chief</p> <p>8 architect?</p> <p>9 A Chief architect.</p> <p>10 Q In the U.S.?</p> <p>11 A Correct.</p> <p>12 Q And then the subject matter of the</p> <p>13 attachment is Blaze Platform Application Usage Matrix.</p> <p>14 If we look at the last page -- I'm asking for your</p> <p>15 interpretation of the last page.</p> <p>16 MR. FLEMING: Literally, the last page</p> <p>17 that I have is this; it has two words on it.</p> <p>18 MR. HINDERAKER: How about the second</p> <p>19 to the last page?</p> <p>20 Q So it starts off with "SBU" as the column</p> <p>21 header?</p> <p>22 A Correct.</p> <p>23 Q That means business unit?</p> <p>24 A Correct.</p> <p>25 Q Do you know what "S" stands for?</p>

<p style="text-align: right;">Page 30</p> <p>1 Q Which CHUBB employees?</p> <p>2 A I spoke in the past with --</p> <p>3 MR. FLEMING: Objection; asked and</p> <p>4 answered at the last deposition.</p> <p>5 MR. HINDERAKER: Go ahead.</p> <p>6 THE WITNESS: I spoke with Miranda</p> <p>7 Chang, I spoke with Ramesh Pandey, and I spoke --</p> <p>8 as part of the people that I can remember -- and</p> <p>9 I spoke with Zorica Todorovic.</p> <p>10 Q Did you speak with anybody -- that was in</p> <p>11 the past. Did you speak with anybody to prepare</p> <p>12 yourself for your testimony on Topic 15 today?</p> <p>13 A I spoke with Zorica Todorovic to prepare on</p> <p>14 topic today.</p> <p>15 Q So spoke with that person again?</p> <p>16 A Yes.</p> <p>17 Q Anyone else?</p> <p>18 A No.</p> <p>19 Q Based upon that, can you identify any person</p> <p>20 from FICO that assisted in the installation of Blaze</p> <p>21 Advisor in the UK?</p> <p>22 MR. FLEMING: Objection; asked and</p> <p>23 answered in the last deposition.</p> <p>24 MR. HINDERAKER: Go ahead.</p> <p>25 THE WITNESS: I cannot identify those.</p>	<p style="text-align: right;">Page 32</p> <p>1 A I believe I did.</p> <p>2 Q You believe you did?</p> <p>3 A Yes.</p> <p>4 Q Do you recall when?</p> <p>5 A I don't recall the exact date.</p> <p>6 Q Same questions with respect to installations</p> <p>7 in Canada.</p> <p>8 A Again, I did -- yes, I did. And I do not</p> <p>9 recall the exact date.</p> <p>10 Q So again, there's no individual person at</p> <p>11 FICO that you know of that assisted in the</p> <p>12 installation?</p> <p>13 A No.</p> <p>14 Q To your knowledge, who do you -- did anybody</p> <p>15 tell you -- as opposed to your assumptions, did</p> <p>16 anybody tell you that Canadian CHUBB representatives</p> <p>17 placed tickets at the help desk?</p> <p>18 A My conversations in the past with Tony Zahn,</p> <p>19 who was the architect for the Canadian zone, that they</p> <p>20 opened the ticket.</p> <p>21 Q Okay. The same question with respect to</p> <p>22 Australia.</p> <p>23 A I did not work with Australia or was not</p> <p>24 engaged by anybody in Australia regarding the use of</p> <p>25 Blaze.</p>
<p style="text-align: right;">Page 31</p> <p>1 They dealt with the help desk support and they</p> <p>2 would raise the tickets. So they did not -- that</p> <p>3 worked generically as FICO. Mike Sawyer would be</p> <p>4 the contact person for me in case any additional</p> <p>5 assistance would be needed.</p> <p>6 Q Do you recall yourself contacting or</p> <p>7 engaging Mike Sawyer and yourself?</p> <p>8 A I did.</p> <p>9 Q And when was that?</p> <p>10 A That's during the -- between 2010 and 2014</p> <p>11 if my memory serves me correctly.</p> <p>12 Q Okay. Tell me about your contacts with Mike</p> <p>13 Sawyer.</p> <p>14 A I got informed by developers that there was</p> <p>15 an issue and they need to be resolved quickly. So I</p> <p>16 would just make him aware. Because as a client</p> <p>17 representative of FICO, he has an influence to</p> <p>18 expedite the request to go to the help desk.</p> <p>19 Q Is it fair to say that you advised Mike</p> <p>20 Sawyer making him aware that people in the UK were</p> <p>21 reaching out to the help desk for help?</p> <p>22 A Correct. In the UK or U.S. That was normal</p> <p>23 part of my working relationship with him.</p> <p>24 Q Do you recall specifically reaching out to</p> <p>25 Mike Sawyer specific to install issues in the UK?</p>	<p style="text-align: right;">Page 33</p> <p>1 Q Okay. So you don't know the answer to that</p> <p>2 one way or the other?</p> <p>3 A I don't, yeah.</p> <p>4 Q Your understanding after speaking with these</p> <p>5 people, let me see if it I have clear, is that CHUBB</p> <p>6 representatives in the UK, CHUBB representatives in</p> <p>7 Canada use the internal CHUBB website to download</p> <p>8 Blaze Advisor on their respective servers?</p> <p>9 A Not correct. Not to the respective desktop</p> <p>10 or laptops or virtual machines.</p> <p>11 Q All right. To download Blaze Advisor</p> <p>12 software on their respective laptops or their</p> <p>13 respective servers, whichever --</p> <p>14 A We do not download software from the website</p> <p>15 to the server. It would always be downloaded to the</p> <p>16 personal workstation.</p> <p>17 Q And then how does it get to the servers?</p> <p>18 Let's say that CHUBB has servers in Toronto. How does</p> <p>19 it get to those servers?</p> <p>20 A Blaze itself is never installed on the</p> <p>21 server. It gets deployed as part of the application.</p> <p>22 Q Let's just take an application that's</p> <p>23 running to support the insurance sales in Europe.</p> <p>24 Let's call the application Evolution.</p> <p>25 A Correct.</p>



<p style="text-align: right;">Page 34</p> <p>1 Q Blaze Advisor is downloaded on what in the</p> <p>2 UK?</p> <p>3 A It will get downloaded to the developer's</p> <p>4 workstation.</p> <p>5 Q Okay. And then the developer -- and his</p> <p>6 workstation will develop the Evolution application?</p> <p>7 A Correct.</p> <p>8 Q And then when somebody in Europe, anybody in</p> <p>9 Europe, is using the Evolution application, whether</p> <p>10 CHUBB or broker or agent, that application is -- where</p> <p>11 is the Blaze Advisor software on which that</p> <p>12 application is running hosted?</p> <p>13 A Blaze Advisor software gets packaged as a</p> <p>14 part of the application and deployed to the server,</p> <p>15 whatever the team -- specific IT team decided to</p> <p>16 deploy. Location of the server being known only to</p> <p>17 the team itself.</p> <p>18 Q Could you say that again?</p> <p>19 MR. FLEMING: Could you read the</p> <p>20 answer.</p> <p>21 (The requested testimony was read back</p> <p>22 by the court reporter.)</p> <p>23 Q Is it accurate to say that the Blaze Advisor</p> <p>24 software is -- I'm sorry. Is it accurate to say that</p> <p>25 the application includes the Blaze Advisor software?</p>	<p style="text-align: right;">Page 36</p> <p>1 are hosted?</p> <p>2 A It was -- for the Canada it was hosted on</p> <p>3 the U.S. servers.</p> <p>4 Q All right. But before you told us that in</p> <p>5 Canada applications were being migrated to North</p> <p>6 Carolina?</p> <p>7 A Yes, it was my mistake. That was my</p> <p>8 original deposition. Based on my recent conversation</p> <p>9 with Zorica, I got ahold of the more correct</p> <p>10 information.</p> <p>11 Q So is your testimony today that there has</p> <p>12 never been a migration to the United States from</p> <p>13 Canada?</p> <p>14 A To my knowledge -- I'm not sure. I cannot</p> <p>15 speak if it was migration or not. I know that the</p> <p>16 application, per her statement -- per my conversation</p> <p>17 with Zorica, application is hosted and was hosted on</p> <p>18 the U.S. server in the time Blaze was developed.</p> <p>19 Q And then computers in Canada are running the</p> <p>20 application?</p> <p>21 A It's computers -- again, computers running</p> <p>22 Blaze software are also hosted the United States.</p> <p>23 Q To your knowledge, the testimony that you're</p> <p>24 giving today is that the Blaze Advisor software</p> <p>25 applications have not been migrated from Canada to the</p>
<p style="text-align: right;">Page 35</p> <p>1 A Correct.</p> <p>2 Q Okay. So the application that is being run</p> <p>3 to support the sale of insurance in Europe is on</p> <p>4 computers in Europe?</p> <p>5 A No, it is not. It is in the computers used</p> <p>6 by people in Europe, but computers could be located in</p> <p>7 the United States or any other geographical region.</p> <p>8 Q Do you know one way or the other whether the</p> <p>9 applications running in Europe were -- the Blaze</p> <p>10 Advisor applications running in Europe were hosted on</p> <p>11 computers in Europe?</p> <p>12 A I don't know one way or another.</p> <p>13 Q Not one way or the other?</p> <p>14 A Never interested me.</p> <p>15 (Court reporter asked for</p> <p>16 clarification.</p> <p>17 A It never interested me. It was not part of</p> <p>18 the my duties.</p> <p>19 Q So then with respect to applications that</p> <p>20 support the sale of insurance in Canada, the Blaze</p> <p>21 Advisor -- the applications include the Blaze Advisor</p> <p>22 software?</p> <p>23 A Correct.</p> <p>24 Q Do you know one way or the other where the</p> <p>25 applications that include the Blaze Advisor software</p>	<p style="text-align: right;">Page 37</p> <p>1 United States?</p> <p>2 A Blaze Advisor -- to my knowledge, Blaze</p> <p>3 Advisor was not -- application running Blaze Advisor</p> <p>4 was not. It could have been migrated before, but the</p> <p>5 Blaze Advisor software and the application using the</p> <p>6 Blaze Advisor was hosted in the United States.</p> <p>7 Q Always?</p> <p>8 A To my knowledge, yes.</p> <p>9 MR. FLEMING: We've been going about an</p> <p>10 hour. When you get to the end of a topic, can we</p> <p>11 take a break?</p> <p>12 MR. HINDERAKER: Sure. Now is fine.</p> <p>13 THE VIDEOGRAPHER: We're going off</p> <p>14 record. The time would be approximately at 9:56.</p> <p>15 (Recess taken from 9:56 to 10:09)</p> <p>16 THE VIDEOGRAPHER: We are back on</p> <p>17 record. The time is approximately 10:09. You</p> <p>18 may continue.</p> <p>19 Q (By Mr. Hinderaker) Welcome back.</p> <p>20 A Thank you.</p> <p>21 Q What caused you to change your testimony</p> <p>22 regarding the fact of Blaze Advisor software being</p> <p>23 hosted on servers in Canada?</p> <p>24 MR. FLEMING: I'll object. It's</p> <p>25 argumentative.</p>